



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

RIN 0648-BA81

Endangered and Threatened Wildlife and Plants; Proposed Rulemaking to Revise Critical  
Habitat for Hawaiian Monk Seals

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and  
Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: We, National Marine Fisheries Service (NMFS), published a proposed rule  
in the Federal Register on June 2, 2011, proposing to revise critical habitat for the  
Hawaiian monk seal under the Endangered Species Act and requesting information  
related to the proposed action. As part of that proposal, we provided a 90-day comment  
period, ending August 31, 2011. We have received requests for an extension of the  
public comment period. In response to these requests, NMFS is reopening the public  
comment period for the proposed action.

DATES: The comment period for the proposed rule published June 2, 2011, at 76 FR  
32026, is reopened. Written comments on this proposed rule must be received by [Insert  
date 60 days after date of publication in FEDERAL REGISTER]. Comments received  
between the close of the first comment period on August 31, 2011, and the reopening of  
the comment period [Insert date of publication] will be considered timely received.

ADDRESSES: You may submit written comments on the proposed rule identified by 0648-BA81 by any one of the following methods:

- Electronic Submissions: Federal eRulemaking Portal: <http://www.regulations.gov>.  
Follow the instructions for submitting comments.
- Mail or hand-delivery: Submit written comments to Regulatory Branch Chief,  
Protected Resources Division, National Marine Fisheries Service, Pacific Islands  
Regional Office, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI, 96814, Attn.:  
Hawaiian monk seal proposed critical habitat.

Instructions: Comments must be submitted to one of these two addresses to ensure that the comments are received, documented, and considered by NMFS. Comments sent to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov> without change. All Personal Identifying Information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information. We will accept anonymous comments (enter "NA" in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only. The petition, 90-day finding, 12-month finding, draft biological report, draft economic analysis report, draft ESA 4(b)(2) report, and other reference materials regarding this determination can be downloaded via the NMFS Pacific Islands Regional Office website: [http://www.fpir.noaa.gov/PRD/prd\\_critical\\_habitat.html](http://www.fpir.noaa.gov/PRD/prd_critical_habitat.html) or by submitting a request to the Regulatory Branch Chief, Protected Resources Division,

National Marine Fisheries Service, Pacific Islands Regional Office, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814, Attn: Hawaiian monk seal proposed critical habitat.

Background documents on the biology of the Hawaiian monk seal, the July 2, 2008, petition requesting revision of its critical habitat, and documents explaining the critical habitat designation process, can be downloaded from

[http://www.fpir.noaa.gov/PRD/prd\\_critical\\_habitat.html](http://www.fpir.noaa.gov/PRD/prd_critical_habitat.html), or requested by phone or e-mail from the NMFS staff in Honolulu (area code 808) listed under “FOR FURTHER INFORMATION CONTACT.”

FOR FURTHER INFORMATION CONTACT: Jean Higgins, NMFS, Pacific Islands Regional Office, (808) 944-2157; Lance Smith, NMFS, Pacific Islands Regional Office, (808) 944-2258; or Marta Nammack, NMFS, Office of Protected Resources (301) 427-8469.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 2, 2011, we published a proposed rule to revise the current critical habitat for the Hawaiian monk seal (Monachus schauinslandi) by extending the current designation in the Northwestern Hawaiian Islands (NWHI) out to the 500-meter (m) depth contour and including Sand Island at Midway Islands; and by designating six new areas in the main Hawaiian Islands (MHI), pursuant to section 4 of the Endangered Species Act (ESA). The proposed rule allowed for a 90-day public comment period, which ended on August 31, 2011.

NMFS subsequently received requests to extend the public comment period. These requests identified that additional time was needed to more fully consider the

proposed rulemaking and provide comments on the proposed designation. In response to these requests, we are reopening the public comment period until [Insert date 60 days after date of publication in FEDERAL REGISTER], to receive additional local and public information and comments that may be relevant to any aspect of the proposal. We will consider additional information received prior to making a final decision on critical habitat designation.

Authority: 16 U.S.C. 1531 et seq.

Dated: November 2, 2011.

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James H. Lecky,  
Director, Office of Protected Resources,  
National Marine Fisheries Service.

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